

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: MINTZ

Confirmation Number: 5426

Application No.: 09/714,619

Group Art Unit: 3624

Filed: November 17, 2000

Examiner: Hamilton, Lalita M.

Title: METHOD OF OPERATING A VENTURE BUSINESS

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AGENDA FOR PERSONAL INTERVIEW
TUESDAY, AUGUST 17, 2004, 1:00 P.M.

1. Status of Case
 - a. Response to first non-final Action due August 18, 2004
2. Status of Claims and Prior Art Rejections
 - a. Claims 1-25 are pending.
 - b. Claims 1, 2, 7-12, 14-16, 18, 20, and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Andrus (U.S. Patent Application Pub. No. 2002/0156709).
 - c. Claims 3-6, 13, 17, 21, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrus in view of Barkley (Rupri Equity Financing Task Force). Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrus in view of Libman (U.S. Patent No. 6,076,072). Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrus, Barkley, and Libman.
3. Features of Independent Claim 1 (See also independent claims 14, 16)
providing said investors that have provided at least a threshold capital contribution to said fund with stock rights in said business entity to enable such investors to become shareholders in said business entity;
said business entity securing a portion of IPO shares that become available in said portfolio entities; and

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said business entity enabling shareholders thereof to purchase IPO shares that become available in said portfolio entities

4. Traversal of Rejections

a. Andrus, Barkley, and Libman do not disclose the above limitations

i. Andrus does not teach that investors in a fund receive stock rights in a business entity that established the fund, as claimed. (See p. 1, ¶ 8-11; p. 2, ¶ 23-25; and p. 9, ¶ 106.)

ii. Andrus teaches that an IPO is an exit strategy to create liquidity so that a venture capitalist and his co-investors can be paid. (See p. 1, ¶ 8-11; p. 2, ¶ 23-25; p. 5, ¶ 53-54; p. 7, ¶ 77; and p. 9, ¶ 106.)

iii. Andrus does not relate to an opportunity for investors in a fund (1) to become shareholders in a business entity that established the fund and (2) to buy IPO shares secured by the business entity.

b. Therefore, the claims are patentable and are in condition for allowance.

5. Discussion and Agreement